

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

ROCHE DIAGNOSTICS GMBH
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GERMANY

Roche Diagnostics GmbH Patent Department (TR-E) Penzberg			
BK	24. MAI 2004		WN
BUR			WJ
HH	HIL	JB	ML SB

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 21719 WO-Hil	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/EP 03/13530	International filing date (day/month/year) 02/12/2003
Applicant ROCHE DIAGNOSTICS GMBH	

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.


☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Florence Jouteux
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 21719 WO-Hil	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, Item 5 below.	
International application No. PCT/EP 03/13530	International filing date (day/month/year) 02/12/2003	(Earliest) Priority Date (day/month/year) 06/12/2002
Applicant ROCHE DIAGNOSTICS GMBH		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the International application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☒ furnished subsequently to this Authority in computer readable form.

☒ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/13530

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12Q1/68

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/48237 A (HOEFT ANDREAS ;STUEBER FRANK (DE)) 5 July 2001 (2001-07-05) cited in the application page 3, last paragraph - page 4, paragraph 2 page 4, last paragraph - page 5, paragraph 1 claims 1-14; figures 1-13; examples 1-10 page 14 - page 21 ----- -/--	1-9

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

13 May 2004

Date of mailing of the international search report

24/05/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
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Authorized officer

van Klompenburg, W

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/13530

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>ESPY ET AL: "Diagnosis of Herpes Simplex Virus Infections in the Clinical Laboratory by LightCycler PCR"</p> <p>JOURNAL OF CLINICAL MICROBIOLOGY, WASHINGTON, DC, US, vol. 38, no. 2, February 2000 (2000-02), pages 795-799, XP002175791</p> <p>ISSN: 0095-1137</p> <p>cited in the application</p> <p>page 795, column 2 - page 797; figures 1,4</p> <p>-----</p>	1-9
X	<p>SILVA DE D ET AL: "Rapid Genotyping and Quantification on the LightCycler with Hybridization Probes"</p> <p>BIOCHEMICA, MANNHEIM, DE, no. 2, 1998, pages 12-15, XP002175789</p> <p>ISSN: 0946-1310</p> <p>figures 1,2,5</p> <p>-----</p>	1-9
X	<p>BERNARD P S ET AL: "HOMOGENEOUS MULTIPLEX GENOTYPING OF HEMOCHROMATOSIS MUTATIONS WITH FLUORESCENT HYBRIDIZATION PROBES"</p> <p>AMERICAN JOURNAL OF PATHOLOGY, PHILADELPHIA, PA, US, vol. 153, no. 4, 1998, pages 1055-1061, XP000874040</p> <p>ISSN: 0002-9440</p> <p>figures 1,5; table 1</p> <p>-----</p>	1-9
A	<p>PIETILAE J ET AL: "Rapid Differentiation of Borrelia garinii from Borrelia afzelii and Borrelia burgdorferi Sensu Stricto by LightCycler Fluorescence Melting Curve Analysis of a PCR Product of the recA Gene"</p> <p>JOURNAL OF CLINICAL MICROBIOLOGY, WASHINGTON, DC, US, vol. 38, no. 7, July 2000 (2000-07), pages 2756-2759, XP002175790</p> <p>ISSN: 0095-1137</p> <p>page 2758; figure 1</p> <p>-----</p>	1-9
A	<p>EP 0 452 596 A (INNOGENETICS NV)</p> <p>23 October 1991 (1991-10-23)</p> <p>claims 1-28</p> <p>-----</p>	1-9
A	<p>KLAUSEGGER A ET AL: "Gram Type-Specific Broad Range PCR Amplification for Rapid Detection of 62 Pathogenic Bacteria"</p> <p>JOURNAL OF CLINICAL MICROBIOLOGY, WASHINGTON, DC, US, vol. 37, no. 2, February 1999 (1999-02), pages 464-466, XP002176097</p> <p>ISSN: 0095-1137</p> <p>figures 1,2; table 1</p> <p>-----</p>	1-9

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/13530

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	ANTHONY R M ET AL: "Rapid Diagnosis of Bacteremia by Universal Amplification of 23S Ribosomal DNA Followed by Hybridization to an Oligonucleotide Array" JOURNAL OF CLINICAL MICROBIOLOGY, WASHINGTON, DC, US, vol. 38, no. 2, February 2000 (2000-02), pages 781-788, XP002176098 ISSN: 0095-1137 table 1	1-9
A	----- RIRIE K M ET AL: "PRODUCT DIFFERENTIATION BY ANALYSIS OF DNA MELTING CURVES DURING THE POLYMERASE CHAIN REACTION" ANALYTICAL BIOCHEMISTRY, ACADEMIC PRESS, SAN DIEGO, CA, US, vol. 245, no. 2, 1997, pages 154-160, XP001015991 ISSN: 0003-2697 the whole document -----	1-9

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/13530

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0148237	A	05-07-2001	DE 10027113 A1	27-09-2001
			AU 3360101 A	09-07-2001
			WO 0148237 A2	05-07-2001
			DE 10084146 D2	16-01-2003
			EP 1266028 A2	18-12-2002
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EP 0452596	A	23-10-1991	EP 0452596 A1	23-10-1991
			AT 128189 T	15-10-1995
			AU 658143 B2	06-04-1995
			AU 7755091 A	11-11-1991
			CA 2080812 A1	19-10-1991
			DE 69113261 D1	26-10-1995
			DE 69113261 T2	13-06-1996
			DK 525095 T3	12-02-1996
			WO 9116454 A1	31-10-1991
			EP 0525095 A1	03-02-1993
			ES 2080945 T3	16-02-1996
			GR 3018388 T3	31-03-1996
			HU 63463 A2	30-08-1993
			JP 5504889 T	29-07-1993
			JP 3109599 B2	20-11-2000
			US 6277577 B1	21-08-2001
			US 5536638 A	16-07-1996
			US 5945282 A	31-08-1999
			US 2004053320 A1	18-03-2004
			US 2002048762 A1	25-04-2002
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